

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE VEECO INSTRUMENTS INC.  
SECURITIES LITIGATION  
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No. 7:05-MD-01695-CM

THIS DOCUMENT RELATES TO:  
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EDWARD J. HUNEKE, derivatively on behalf  
of VEECO INSTRUMENTS, INC.,

Plaintiff,

v.

EDWARD H. BRAUN, et al.,

Defendants.  
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No. 7:05-CV-10224-CM

AUGUST SCHUPP, III, derivatively on behalf  
of VEECO INSTRUMENTS, INC.,

Plaintiff,

v.

EDWARD H. BRAUN, et al.,

Defendants.  
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No. 7:05-CV-10225-CM

DAVID ALTMAN, derivatively on behalf  
of VEECO INSTRUMENTS, INC.,

Plaintiff,

v.

EDWARD H. BRAUN, et al.,

Defendants.  
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No. 7:05-CV-10226-CM

**[PROPOSED] ORDER**

WHEREAS, Defendants Edward H. Braun, Peter J. Simone, Richard J. D'Amore, Joel A. Elftmann, Heinz K. Fridrich, Douglas A. Kingsley, Paul R. Low, Roger D. McDaniel, Irwin H. Pfister, Walter J. Scherr, and Nominal Defendant Veeco Instruments Inc. (collectively, the "Defendants") have moved this Court, pursuant to Rule 6(b)(2) of the Federal Rules of Civil Procedure, to extend the time which Defendants have to file and serve an answer to Derivative Plaintiffs' Consolidated Amended Verified Shareholder Derivative Complaint (the "Derivative Complaint") until, and including, August 16, 2006;

WHEREAS, Derivative Plaintiffs have consented to Defendants' request for an extension;

WHEREAS, the Court finds that, under the circumstances here, it is appropriate under Rule 6(b)(2) to grant Defendants' motion for an enlargement of time to answer because Defendants' failure to timely submit an answer was the result of excusable neglect;

IT IS HEREBY ORDERED that the date by which Defendants shall file and serve their answer to the Derivative Complaint shall be extended to August 16, 2006.

Dated: August \_\_, 2006  
New York, New York

**SO ORDERED:**

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The Honorable Colleen McMahon  
United States District Court Judge